

REMARKS

Amendment

Upon further review of the claims and specification, Applicants noted that paragraph [0031] (paragraph [0040] of the publication of the present application (US 2008/0241586)) recites “In the general formula 2, Ar¹¹ to Ar¹⁴ each independently represent an aryl group having 6 to 14 carbon atoms.” However, formula 2 (in the original specification paragraph [0030] also has a typographical error in the label “[General Formula [[05]] 2]” which is being corrected herein) comprises Ar groups numbered from 11 to 18. As the recital of Ar¹¹ to Ar¹⁴ is a clear clerical/typographical error, Applicants are amending paragraph [0031] to be consistent with the recital in formula (2) and recite “In the general formula 2, Ar¹¹ to Ar¹⁸ each independently represent an aryl group having 6 to 14 carbon atoms.” Hence, no new matter is being added.

Applicants are making the same amendment to Claims 4, 5, 8, 17, 18, and 19.

Accordingly, it is respectfully requested that these amendments be entered and allowed.

Applicants will now address the rejections in the order in which they appear in the Office Action.

Claim Rejections – 35 USC §112

In the Office Action, the Examiner now rejects Claims 4-6, 8, 9 and 17-22 under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

In the rejection, the Examiner states that in Claims 17-19, the variables R¹ to R⁴ are undefined in the instance where they do not form an aromatic ring. Initially, Applicants note that in the Final Rejection dated December 8, 2010, Claims 17-19 were objected to under 37 CFR

1.75(c) regarding dependence of claims 17-19 as being outside the scope of claims 4, 5, 9 as claims 4, 5, 9 are directed to compounds where R groups are only either hydrogen or (individual) alkyl groups. Accordingly, in order to advance the prosecution of this application, Applicants amended Claims 17-19 to place them in independent form. In order to clarify the language in independent Claims 17-19, Applicants are now amending these claims to recite the following:

“wherein, in the case where R¹ is bonded to R² to form an aromatic ring, R¹ represents an alkyl group,
wherein, in the case where R¹ is not bonded to R² to form an aromatic ring, R¹ represents either hydrogen or an alkyl group,
wherein, in the case where R² is bonded to one of R¹ and R³ to form an aromatic ring, R² represents an alkyl group,
wherein, in the case where R² is not bonded to one of R¹ and R³ to form an aromatic ring, R² represents either hydrogen or an alkyl group,
wherein, in the case where R³ is bonded to one of R² and R⁴ to form an aromatic ring, R³ represents an alkyl group,
wherein, in the case where R³ is not bonded to one of R² and R⁴ to form an aromatic ring, R³ represents either hydrogen or an alkyl group,
wherein, in the case where R⁴ is bonded to R³ to form an aromatic ring, R⁴ represents an alkyl group, and
wherein, in the case where R⁴ is not bonded to R³ to form an aromatic ring, R⁴ represents either hydrogen or an alkyl group.”

This should clarify that the claims recite the “R groups” each represent an alkyl group when they are engaged in a bonding with another one of the “R groups”, and either one of hydrogen or an alkyl group when the “R group” is not bonded to another one of the “R group.” It is respectfully submitted that this amendment overcomes this rejection to Claims 17-19.

The rejection also objects to Claims 4, 5, 8 and 17-19 as variables Ar¹⁵ to Ar¹⁸ are not defined. As explained above, Applicants are amending Claims 4, 5, 8 and 17-19, similar to paragraph [0031] in the specification, to define variables Ar¹⁵ to Ar¹⁸. It is respectfully submitted that this amendment overcomes this rejection to Claims 4, 5, 8 and 17-19.

Accordingly, it is respectfully requested that this rejection be withdrawn.

Double Patenting

The Examiner also has the following double patenting rejections:

- A. Claims 1-3, 7, 9 and 11-16 are rejected on the ground of non statutory obviousness-type double patenting as being unpatentable over Claims 1, 2, 4, 5, 7, 8, 10, 11, 17, 18, 20, 21, 23, 24, 26 and 27 of U.S. 7,564,052.
- B. Claim 1-3, 7 and 9-16 are rejected on the ground of non statutory obviousness-type double patenting as being unpatentable over Claims 9-13, 15, 16, 30-32, 35, 37 and 38 of US 7,893,427 (corresponding to application 10/582,249).

These rejections are respectfully traversed.

While Applicants traverse these rejections, in order to advance the prosecution of this application, Applicants are canceling Claims 1-3, 7, 10, and 13-16, without prejudice or disclaimer, rendering the rejection of these claims moot.

Applicants are amending the dependency of Claims 9 and 11, consistent with the above claims cancellations.

Therefore, there is no double patenting, and it is respectfully requested that these rejections be withdrawn.

Information Disclosure Statement

Applicants filed an IDS on December 6, 2011. It is respectfully requested that this IDS be entered and considered at this time.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance and should be allowed.

If any fee should be due for this amendment, please charge our deposit account 23-0920.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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